

TREE AND WOODLAND MANAGEMENT SERVICE: SCRUTINY REVIEW

INTRODUCTION

Stockton Council is responsible for managing tens of thousands of trees within the Borough's towns, highways, parks, cemeteries, open spaces and 400 ha of woodland.

The quality of our environment is greatly enhanced by trees and woodlands - they make a positive contribution to our health and wellbeing, play a vital role in the sustainability of our towns and provide a variety of functions and benefits that improve our quality of life.

Although the importance of trees is widely recognised, they can also become a source of conflict in some situations – for example, as trees mature, they require more space above and below ground which can occasionally result in causing nuisances to people.

This review will provide an outline of the Council's policies, legal duties and obligations for tree management and our capacity to deal with a high volume of service requests. This review will allow Members to understand the management of our tree assets, how our resources are directed and the current pressures that the service is under.

SERVICE STRUCTURE

Based within the Community Services, Environment and Culture directorate, the Tree Management Service is part of Horticultural Services.

Our tree work is undertaken by qualified arborists and our team comprises five full time members of staff:

A Principal Tree and Woodlands Officer, dealing with:

- Planning and Development matters.
- Operational management of the team.
- Inspection and work coordination.
- Tree planting schemes.
- Woodland thinning operations.

An Arboricultural Technician who deals with:

- Inspection of incoming enquiries and additional surveying.
- Associated operational management of the team.

A team of three qualified arborists (tree surgeons) dealing with:

- All maintenance and pruning work required on the Council's trees (work that is issued by the Principal Tree and Woodland Officer and Arboricultural Technician). One of the three operatives has successfully come through the SBC apprentice process and is now a fully qualified climbing arborist.
- The team have taken on a new apprentice (to form an operational team of four) from mid-September 2022.

The team maintain trees through careful and attentive scheduled and urgent pruning, so that each tree pruned will have a natural form and shape. They are also required to respond to a large number of service requests which does stretch the resources of the team from scheduled maintenance.

An example of the teams efficient working came during Storm Arwen in November last year, which brought unprecedented winds, and where the direction of the wind on that occasion affected 250 mature trees, in which the borough lost whole trees and sections of trees in one weekend. Over the following period of approximately 8 weeks the team systematically worked through each area in the Borough, sorting and dealing with each issue individually on the basis of priority of importance.

The team are currently going through a transitional period due to the recent departure of a long-standing Principal Tree and Woodlands Officer which has resulted in Mark Nozedar being successful in moving up into that role. A member of the team is also acting up into the technician role which seems to be working well.

THE IMPORTANCE & BENEFITS OF TREES

Trees are amongst the most important features and asset within the landscape and form a major part of our 'green infrastructure', cultivated for thousands of years to provide timber, fuel, food, shelter, or simply grown for their beauty - being quintessentially a part of the identity of the United Kingdom and also a protection against the harsh elements of climate change.

In modern times trees are essential in making our towns better places to live, work and visit, they enhance the environment and provide benefits in a number of ways, for example they:

- Introduce colour and variety into the landscape, providing scenic value & seasonal interest through flowers, autumn colours, winter form.
- provide canopy cover that softens the hard lines of buildings in dense urban areas and reduces glare.
- improve air quality by filtering airborne dust & pollutants and help reduce formation of smog, ozone, thereby helping those vulnerable to the effects of air pollution.
- absorb traffic noise in built-up areas and can help limit noise pollution.

- roadside trees are recognised to reduce the speed of traffic as people drive with more caution near trees.
- reduce temperature extremes by providing shade and shelter, in heatwaves and hot weather
- create wildlife corridors, providing habitat for birds and wildlife, thereby enhancing biodiversity and nature conservation value.
- improve our health & wellbeing by reducing stress, mental fatigue, and create a healthy environment for outdoor activities, exercise and recreation.

LEGAL AND STATUTORY DUTIES

Duty of Care

As a land owner, and in compliance with the Occupiers Liability Act 1957 & 1984, the local authority has a legal duty of care to ensure it has a defensible system of tree inspection and maintenance for its land and premises; highways, parks, public open spaces, cemeteries, education centres, town centres and woodland. This requires:

- Regular inspections of all trees and woodlands within its ownership.
- Implementing essential tree maintenance.
- Maintaining adequate records of surveys and inspections.

All trees need to be inspected by a qualified inspector to check their health and condition. The inspector notes significant signs or symptoms of ill health or structural defects, issues that are then subject to essential maintenance. Essential maintenance work is undertaken to ensure trees are safe; that they do not pose a danger or unacceptable risk to persons or property or cause a legal nuisance. Dead, dying or dangerous trees/branches that may fall would be identified during inspection and removed as soon as possible.

To comply with our duty of care, a survey / inspection cycle of three years has been adopted but higher frequency (once yearly) inspections are undertaken in other areas of high public use; such as schools, parks, main roads and town centres.

Legal Nuisance and Negligence

The local authority is potentially liable for injury or damage caused by trees through claims of nuisance and/or negligence if it fails to comply with this legal duty of care.

This may include damage or injury caused by falling trees and branches. Negligence may also be due to obstructions, for example, or where trees cause direct damage such as damage to driveways, interference with structures, and building subsidence (*legal nuisance is also broadly defined as 'any unreasonable interference with use and enjoyment of land'*).

It is therefore important for local authorities to implement inspection and maintenance by qualified staff to meet its statutory duties and to prevent or limit potential claims.

Duties in Relation to Highways

Highways Act 1980 s.96: Trees on or adjacent to the highway network must be maintained to ensure they do not interfere with its safe use. They are pruned to maintain adequate clearance above roads/ carriageways and footpaths to not cause obstructions or obscure road signage, street lighting or vehicle sight lines.

If trees are not maintained correctly, or specific trees are chosen for planting in that area, it can have an impact on other services within the council, such as highway maintenance. Tree root damage can play a major impact in footpath repair requests and uneven surfaces.

Tree Preservation Orders (TPOs)

Trees in Conservation Areas and trees covered by Tree Preservation Orders (TPO'S) are protected in law under the Town & Country Planning Act 1990.

The order makes it an offence to cut down, uproot, prune, damage or destroy the tree/s without written consent from the planning department (exemptions apply where trees are dead or imminently dangerous).

A tree owner should be made aware of the status of any TPOs during the conveyance process when purchasing a property. They can enquire to find out if a tree has a TPO by telephone to the LA planning section. This is the preferred method as it indicates that trees are being considered for work. This also allows the planning section to investigate if the tree is one that would be suited to further protection through a TPO.

The LA has powers to make and serve Tree Preservation Orders (TPO's) on private land. This will normally include protection of prominent trees where it is deemed 'expedient in the interests of amenity' (they contribute with good amenity value towards the character of a landscape). If a tree has a TPO, the tree owners apply to the planning section prior to undertaking work on protected trees. Tree work applications are reviewed by the Principal Tree Officer.

The planning section issue written consent prior to works. Failure to apply for work is an offence under the Act and the owner or persons undertaking the work may be liable to conviction in a Magistrates Court, leading to prosecution / imposed fines.

Trees in Conservation Areas

The Town and Country Planning Act 1990 also makes special provisions for trees located within Conservation Areas. Therefore trees in Conservation Areas have a similar protection to those that are covered by a Tree Preservation Order.

SURVEYING AND MAINTENANCE WORK

To ensure we comply with our duty of care, we have on going survey and inspections for all Council areas with trees. These are within predefined survey zones, inspected on a routine cycle of around three years. During which, the service checks all trees, hedgerows, plantations and woodlands within that area. Information on trees and woodlands are recorded on a computer-based mapping system ('tree asset management software') recently introduced.

Our aim is to survey and maintain our predefined survey zones within a three yearly timescale, however the consistent demand for service, with only a small team of operatives, means that the team are experiencing delays on the delivery of pruning in the predefined zones. As such, the service is now operating on a five yearly pruning cycle for survey zones.

A consequence of works being carried out over a five-year cycle rather than a 3-year cycle means that the team are required to carry out more reactive work in those areas, and this begins to have a negative effect on other work completion timescales. Tree growth typically will occur over a 3-year cycle and after that more severe overgrowth

We also provide professional advice and consultancy services on all aspects of tree management, to the public and other Council departments, for example, legal advice, assessment of tree related insurance claims, planning applications, guidance on tree protection, building works near trees, landscape design and provision of reports & surveys.

Tree maintenance is undertaken all year round, except where specific restrictions apply, e.g. in respect of bird nesting or other habitat regulations. Other operations will be undertaken in autumn or winter months only, for example:

- Woodland thinning / felling operations.
- Hedge cutting / laying (by the grounds maintenance staff in winter hedge cutting season).
- Tree Planting - including individual specimen trees, memorial trees, woodlands, hedgerows.

TREE MAINTENANCE CRITERIA

Following a survey, the inspector will identify 'essential' tree work and prepare a maintenance schedule, which is added to the maintenance programme. Prioritising maintenance where it is considered a tree

is potentially hazardous, dangerous or might cause an actionable (legal) nuisance. These become our high priority work requests, such work would be completed within a one-to-seven-day timescale depending on the severity of the hazard.

Tree Maintenance Programme

All works is allocated to the team on a monthly schedule, with any work not completed within that month added into the following months tree maintenance programme. Delays in completion can be due to a variety of reasons, most frequently this is due to high priority and emergency work requests that occur during the month.

COSTS OF THE SERVICE

Prior to 2011 the council contracted tree works externally, however due to a number of issues this was then brought in house.

At present, to provide all services, the Tree Management Service (staffing only) is costing the Council around £3,500 a week. The volume of tree work that the team are able to undertake would equate to maintenance of around 20 mature trees in a week. Comparatively, if we were to employ an external contractor on a business or commercial rate the council would be looking at paying approximately £10,000 for the same level of work.

PRESSURES ON THE SERVICE

The Council adopt a priority system for dealing with enquiries as well as standard policies for dealing with the more common types of requests:

PRIORITY 1 SERVICE REQUESTS will be investigated for action within **1-10 working days**, as appropriate.

PRIORITY 2 SERVICE REQUESTS will be placed on the **inspection waiting list** with no predetermined response timescale. PRIORITY 2 Service Requests, concerning tree work will normally be assessed during the next scheduled survey for the area in question if this is within the same calendar year.

As well as tree surveying, in 2021 the service received 700 priority 1 service requests via the councils customer services department but many more requests were received via email and telephone or through MP and Councillor enquiries. These requests were all in addition to the surveys that were completed across 80 education sites and 40 predefined survey zones.

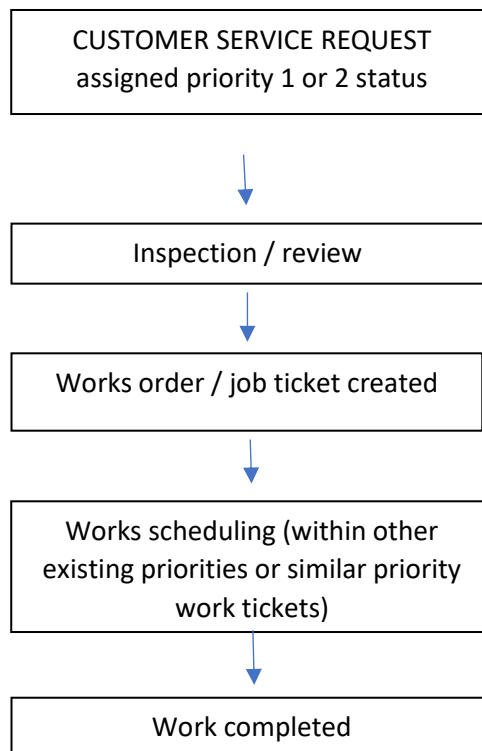
Delays in Work Progress

The resulting volume of inspections and work itineraries (through surveying) form our work maintenance programme. However, as we receive many incoming, high priority requests often on a daily basis, with one available team to complete this work, delays can occur to prearranged working commitments. This can at

times result in complaints regarding delays or expectations of work occurring at certain times, coming through from residents to councillors or to our customer services staff.

Other Factors Affecting Work Progress

- Seasonal issues - bird nesting may prevent work occurring specifically to hedges or where nests are identified in trees.
- Storm damage / adverse weather conditions.
- Access – a lack of vehicular access may determine hiring additional vehicles or equipment to enable a task to be completed.
- Traffic Management – any roadside work where speeds are 40 mph or higher requires an independent traffic management solution (private traffic management). Roads at 20 or 30 mph can be dealt with by SBC traffic management solutions.
- Wet ground – our heavy vehicles and machinery are not able to drive on wet sites, this limits access to such areas in winter months.
- Staff absence – as we have a small team, issues such as annual leave in the team can limit our capacity for work quite regularly.



TREE PLANTING

The council are committed to undertaking planting programmes as part of the Stockton-on-Tees Environmental Sustainability and Green Infrastructure Strategies. The planning and design of these schemes is undertaken by the Strategy and Greenspace Development Department

The Council has identified potential sites across the Borough where tree planting is likely to provide the greatest benefits or is most needed. This includes major routes & gateways within the Borough, green spaces, parks and areas where tree cover is notably deficient. Where resources permit, these areas are targeted and prioritised for new and replacement tree planting. The Council actively seek funding for new trees and aim to increase tree cover within the Borough through delivery of its tree planting programme to mitigate against climate change and wider environmental benefits.

Memorial / Commemorative trees

The Council accept requests for memorial trees to be planted, and this continues to be a popular service to residents.

Planting Season

Trees will normally be planted during the autumn and winter months when most trees are dormant which is normally from Late November until Early March.

Trees will be planted using best available techniques and products where possible, using good quality standard trees to encourage successful establishment in the landscape

Climate Change

With climate change now such a high-profile political agenda, there is a lot of funding available through government schemes related to trees, allowing us to increase our tree planting and woodland creation numbers.

Our green infrastructure team have successfully bid on tree planting schemes and are also promoting carbon sequestration schemes in the Environmental Sustainability & Carbon Reduction Strategy. This is bringing a further tree and woodland management programme that requires delivery (management of our existing woodland, which will obviously have some future implications for the service in completing that work).

FUTURE PRESSURES

Ash Dieback

Ash dieback is quickly becoming a national issue for local authorities and SBC will unfortunately see tree stock impacted by this.

Ash trees form around 20% of our tree populations, As is a native tree that grows prolifically and commonly seen in roadside plantation areas, but a species that is now subject to a leaf fungus that then penetrates into the twigs and system of a tree. It starves the tree by attacking the leaves which are the energy support of the tree. All Ash trees are susceptible in varying degrees. The eventual outcome of ash dieback is that the tree wood becomes dry internally and the stem of the tree then becomes brittle. When ash trees are affected to a stage of decline they are liable to break and as such are unsafe trees to climb and dismantle; a problem where ash trees are within falling distance of highways and roads or other high frequency areas.

At present the disease is obvious but not fully virulent in our area, but it is only a matter of only a few years before this becomes a serious problem that needs to be addressed. The inevitability of action to mitigate this problem cannot be avoided. This would require resources of some description to tackle the issue, through creating an Ash dieback management plan and also resources to survey and arrange work on a priority basis for high problem areas where ash trees could cause damage or harm and injury through failure.

Ash is one of our main canopy trees in parks, woods and along highways. At present the general spread and infection of the disease is not at a stage where intervention has been required. However it is expected in the next two to three years that the rate of disease and severity will require intervention and this will be costly and have a heavy demand on resources. At present there is no Govt funding available to deal with Ash dieback, although this is a national problem.

The Council will need to arrange for the removal of the trees that are at a heavy state of infection, and at a stage before they become too unmanageable / unpredictable in their condition for tree workers to deal with (staff are unable to climb and dismantle heavily infected trees as they are prone to breakage). This is going to have a major impact on our current level of working pressures and as a corporate approach the Council will need to be responsible and deal with this issue in a proactively managed way.